

96-25-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P019  
(maximum 12 characters)

First Named Inventor John J. Schuster

Title: DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL TELECOMMUNICATION SYSTEM

Express Mail Label No. EL431688824US

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.   X   **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.        **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.   X   **Specification (Total Pages   34  )**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.   X   **Drawings(s) (35 USC 113) (Total Sheets   10  )**
5.   X   **Oath or Declaration (Total Pages   5  )**
  - a.   X   Newly Executed (Original or Copy)
  - b.        Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.        DELETIONS OF INVENTOR(S) Signed statement deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.        Unsigned.
6.        **Application Data Sheet. (37 CFR 1.76)**
7.        CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.        Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on:
    - i.        CD-ROM or CD-R (2 copies); or
    - ii.        paper
  - c.        Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ **Assignment Papers (cover sheet & documents(s))**  
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
☐ b. Power of Attorney  
11. ☐ English Translation Document (if applicable)  
12. ☐ a. Information Disclosure Statement (IDS)/PTO-1449  
☐ b. Copies of IDS Citations  
13. ☐ **Preliminary Amendment**  
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**  
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)  
16. ☒ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**  
17. ☒ Other: separate sheet with title, express mail label, copy of postcard and  
attorney's signature

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
Of Prior Application No.: ☐ Examiner ☐ Group Art Unit ☐

(which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_,  
which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is  
the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
(or a copy of which is attached).

19. **Correspondence Address**

☐ Customer Number or Bar Code Label \_\_\_\_\_  
or (Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME Lisa N. Benado

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (425) 827-8600 FAX (425) 827-5644

Name (PRINT/TYPE): Lisa M. Benado Registration No.: 39,995

Signature:  Date: June 22, 2001

First Named Inventor John J. Schuster  
Title DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL TELECOMMUNICATION  
SYSTEM  
Attorney Docket No. 004524.P019

June 22, 2001  
Date

  
Signature

Lisa N. Benado  
Typed or Printed Name

39,995  
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

- 3 -

## FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) 1,072.00

**Complete if Known:**

Application No. New Application  
Filing Date Herewith  
First Named Inventor John J. Schuster  
Group Art Unit Not Yet Assigned  
Examiner Name Not Yet Assigned  
Attorney Docket No. 04524.P019

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check  
\_\_\_\_\_  
Credit Card  
\_\_\_\_\_  
Money Order  
\_\_\_\_\_  
Other

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility application filing fee	<u>710.00</u>
106	320	206	160	Design application filing fee	_____
107	490	207	245	Plant filing fee	_____
108	710	208	355	Reissue filing fee	_____
114	150	214	75	Provisional application filing fee	_____
SUBTOTAL (1)					<u>\$ 710.00</u>

**2. EXTRA CLAIM FEES**

			Extra Claims	Fee from below	Fee Paid
Total Claims	<u>29</u>	- 20** =	<u>9</u>	X <u>18.00</u>	= <u>162.00</u>
Independent Claims	<u>5</u>	- 3** =	<u>2</u>	X <u>80.00</u>	= <u>160.00</u>
Multiple Dependent					= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	_____
102	80	202	40	Independent claims in excess of 3	_____
104	270	204	135	Multiple dependent claim, if not paid	_____
109	80	209	40	**Reissue independent claims over original patent	_____
110	18	210	9	**Reissue claims in excess of 20 and over original patent	_____
SUBTOTAL (2)					<u>\$ 322.00</u>

**FEE CALCULATION (continued)**

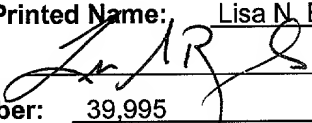
### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	710	246	355	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (see 37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
Other fee (specify) _____					

SUBTOTAL (3) \$ 40.00

\*Reduced by Basic Filing Fee Paid

#### SUBMITTED BY:

Typed or Printed Name: Lisa N. Benado  
 Signature:  Date: June 22, 2001  
 Reg. Number: 39,995 Telephone Number: (425) 827-8600

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Our Reference: 004524.P019

Patent

DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL  
TELECOMMUNICATION SYSTEM

Inventors: John J. Schuster

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP



Lisa N. Benado  
Reg. No. 39,995

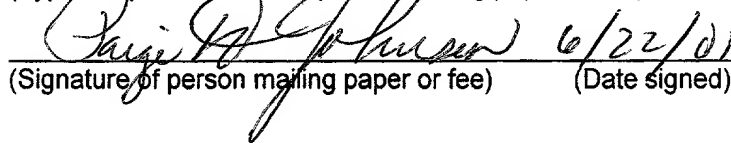
"Express Mail" mailing label number: EL431688324US

Date of Deposit: June 22, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Paige A. Johnson

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee) (Date signed)

Serial/Patent No.: New Application

Client: Terabeam Corporation

Filing/Issue Date: Herewith

Title: DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL  
TELECOMMUNICATION SYSTEM

BSTZ File No.: 004524.P019

Date Mailed: June 22, 2001

Atty/Secty Initials: WJS/LNB:paj

Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (\_\_\_\_ pgs.)
- ☐ Appeal Brief (\_\_\_\_ pgs.) (in triplicate)
- ☒ Application - Utility (34 pgs. with cover and abstract)
- ☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) Divisional (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(d) CPA Transmittal (\_\_\_\_ pgs.)
- ☐ Application - Design (\_\_\_\_ pgs.)
- ☐ Application - PCT (\_\_\_\_ pgs.)
- ☐ Application - Provisional (\_\_\_\_ pgs.)
- ☒ Assignment and Cover Sheet
- ☒ Certificate of Mailing
- ☒ Declaration & POA (5 pgs.)
- ☐ Disclosure Docs & Orig & Copy of Invention Signed Letter (\_\_\_\_ pgs.)
- ☒ Drawings. 10 # of sheets includes 14 figures

- ☒ Express Mail No. EL431688824US Check No. 001361
- ☐ \_\_\_\_\_ Month(s) Extension of Time Amt \$1,072.00
- ☐ Information Disclosure Statement & PTO 449 (\_\_\_\_ pgs.) ☐ Check No. \_\_\_\_\_
- ☐ Issue Fee Transmittal Amt \_\_\_\_\_
- ☐ Notice of Appeal
- ☐ Petition for Extension of Time
- ☐ Petition for \_\_\_\_\_
- ☒ Postcard
- ☐ Power of Attorney (\_\_\_\_ pgs.)
- ☐ Preliminary Amendment (\_\_\_\_ pgs.)
- ☐ Reply Brief (\_\_\_\_ pgs.)
- ☐ Response to Notice of Missing Parts
- ☐ Small Entity Declaration for Indep Inventor/Small Business
- ☒ Transmittal Letter, in duplicate
- ☒ Fee Transmittal, in duplicate

Other: Separate sheet with title, express mail label, copy of postcard and attorney's signature; nonpublication request (3rd page of transmittal letter)